

**TERMINAL DISCLAIMER TO OBIATE A PROVISIONAL DOUBLE PATENTING  
REJECTION OVER A PENDING "REFERENCE" APPLICATION**Docket Number (Optional)  
099/004P

In re Application of: Chunhui XU et al.

Application No.: 10/805,099

Filed: March 19, 2004

For: PROCESS FOR MAKING TRANSPLANTABLE CARDIOMYOCYTES FROM HUMAN EMBRYONIC STEM CELLS

The owner\*, Geron Corporation, of 100 percent interest in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application which would extend beyond the expiration date of the full statutory term of any patent granted on pending reference Application Number 11/040,691, filed on January 21, 2005, as such term is defined in 35 U.S.C. 154 and 173, and as the term of any patent granted on said reference application may be shortened by any terminal disclaimer filed prior to the grant of any patent on the pending reference application. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and any patent granted on the reference application are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

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2. ☒ The undersigned is an attorney or agent of record. Reg. No. 50,316



Signature

June 29, 2009

Date

E. Stewart Mittler

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Telephone Number

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